

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NIGEL FREDERICKS,

Plaintiff,

v.

MICHIGAN DEPARTMENT OF
CORRECTIONS,

Defendant.

Case No. 11-10810

Honorable David M. Lawson

Magistrate Judge Mark A. Randon

**ORDER OVERRULING PLAINTIFF'S OBJECTION TO MAGISTRATE JUDGE'S
ORDER DENYING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

The matter is before the Court on the plaintiff's objection to Magistrate Judge Mark A. Randon's order denying the plaintiff's motion for default judgment.

Under 28 U.S.C. § 636(b)(1)(A), a magistrate judge has the authority "to hear and determine any pretrial matter pending before the court," with certain exceptions that do not apply here. 28 U.S.C. § 636(b)(1)(A). Federal Rule of Civil Procedure 72 permits parties a fourteen-day window after service of the order to object. Fed. R. Civ. P. 72(a). Upon receiving objections, this Court reviews an order by a magistrate judge on a non-dispositive matter to determine whether the decision is "clearly erroneous or contrary to law." 28 U.S.C. § 363(b)(1)(A); *see also* Fed. R. Civ. P. 72(a) (stating that upon receipt of timely objections, "[t]he district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law"); *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001). A decision is "clearly erroneous" when, "although there is evidence to support it, the reviewing court on the entire evidence is left with a definite and firm conviction that a mistake has been committed." *United States v. United*

States Gypsum Co., 333 U.S. 364, 395 (1948). Where there are two plausible views, a decision cannot be “clearly erroneous.” *Anderson v. City of Bessemer City*, 470 U.S. 564, 574 (1985).

The Court has reviewed the magistrate judge’s order and found no clear error. Therefore, the plaintiff’s objection will be overruled.

Accordingly, it is **ORDERED** that the plaintiff’s objection to Magistrate Judge Mark A. Randon’s order denying the plaintiff’s motion for default judgment [dkt. #39] are **OVERRULED**.

s/David M. Lawson

DAVID M. LAWSON
United States District Judge

Dated: November 10, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 10, 2011.

s/Deborah R. Tofil

DEBORAH R. TOFIL